

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 21, 1860.—Ordered to be printed.

Mr. WILKINSON submitted the following

REPORT.

*The Committee on Claims, to whom was referred the petition of the legal representatives of George Mayo, deceased, praying compensation for services performed by said Mayo as an extra clerk in the General Post Office Department, beg leave to report :*

The petitioner alleges that about the 1st of September, 1831, George Mayo, at the suggestion of his brother, the petitioner, who was at that time a clerk in the Post Office Department, went to work to assist him upon the duties of his desk, the said George Mayo being at that time an applicant for a clerkship in that department. He was thus employed for one month, when, it is alleged, he was transferred by one of the Assistant Postmasters General to other duty, which he performed until the 1st of March following, when he voluntarily left the department. At a subsequent period he received an appointment in the department, which he had during all this time been expecting, at a salary of eight hundred dollars per annum, but did not hold the same only about a year before he was taken sick and died.

No evidence appears that he preferred a claim against the department during his life, for the services rendered prior to his appointment.

The first claim that appears to have been made was by the petitioner, in the year 1843, about eleven years after the service was performed ; which claim, upon being presented to the then Postmaster General, Mr. Wickliffe, was rejected, upon the ground that the records furnished no evidence of an agreement to pay, and that, in the opinion of Mr. Wickliffe, as the said Mayo remained without being paid, or claiming pay, though the clerks, regular and extra, were paid off at the end of each month, he occupied a position in the office often sought by young men, to do duty without charge, in order to be in a favorable position for the first vacancy ; which opinion was subsequently concurred in by Postmaster General Johnson, in 1846.

It does not, therefore, appear that the employment of the said George Mayo in the department prior to his appointment was authorized by the Postmaster General, the only officer competent under the law to employ extra clerks in his department ; and this fact, taken in connection with the fact that no demand was made upon the department during the said Mayo's life, and not until nearly eleven years afterwards, justifies the inference that the department entertained the

proper view of the case, and in which view your committee are inclined to concur.

They feel that the equity of the case is not sufficiently strong to justify them in recommending the payment of the compensation prayed for, establishing thereby a precedent which might lead to much laxity and abuse. They think it best to adhere strictly to the rule that no clerks or officers shall be added to the public service by the executive departments beyond what is authorized by law and provided for by appropriation, and therefore they recommend the adoption of the accompanying resolution :

*Resolved*, That the prayer of the representative of George Mayo, deceased, ought not to be granted.